United Nations A/67/738

General Assembly

Distr.: General
8 March 2013

Original: English

Sixty-seventh session
Agenda item 37
Question of Palestine

Status of Palestine in the United Nations

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/19. In that resolution, the Assembly accorded to Palestine non-member observer State status in the United Nations, without prejudice to the acquired rights, privileges and role of the Palestine Liberation Organization in the United Nations as the representative of the Palestinian people, in accordance with the relevant resolutions and practice. It also reaffirmed the right of the Palestinian people to self-determination and expressed hope that the Security Council would consider favourably the application submitted on 23 September 2011 by the State of Palestine for admission to full membership in the United Nations. The Assembly also affirmed its determination to contribute to the attainment of a peaceful settlement in the Middle East that ends the occupation that began in 1967 and fulfils the vision of two States: an independent, sovereign, democratic, contiguous and viable State of Palestine, living side by side in peace and security with Israel on the basis of the pre-1967 borders. It expressed the urgent need for the resumption and acceleration of negotiations within the Middle East peace process, and urged all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination, independence and freedom. This present report provides information on the steps taken regarding the change of Palestine's status in the United Nations, which does not apply to organizations and bodies outside of the United Nations, as well as the progress made, or lack thereof, in resuming the Middle East peace process. The Permanent Mission of Israel and the Permanent Observer Mission of the State of Palestine to the United Nations have been consulted in the preparation of the present report.

13-22955 (E) 110313

Please recycle

II. Non-member observer status in the United Nations

A. Name and status of Palestine

2. In accordance with paragraph 2 of resolution 67/19, Palestine has been treated as a non-member observer State by the Secretariat since the adoption of the resolution. Accordingly, the publication on permanent missions prepared by the Protocol and Liaison Service entitled "Permanent Missions to the United Nations" (the Blue Book) now lists Palestine under category II as a "Non-member State having received a standing invitation to participate as observer in the sessions and the work of the General Assembly and maintaining permanent observer mission at Headquarters".

3. On 12 December 2012, Palestine informed the Secretary-General that the designation "State of Palestine" should be used in all documents and for its nameplate in all United Nations meetings. It further informed the Secretary-General that the Head of State was Mahmoud Abbas, President of the State of Palestine. On 8 January 2013, Palestine informed the Secretary-General that the Head of Government was Salam Fayyad, Prime Minister of the State of Palestine, and that the Minister for Foreign Affairs of the State of Palestine was Riad Malki. In accordance with its request, the designation "State of Palestine" is now used in all documents of the United Nations and on nameplates to be used in United Nations meetings. Mr. Abbas is now addressed as the President of the State of Palestine, Mr. Fayyad as the Prime Minister of the State of Palestine and Mr. Malki as the Minister for Foreign Affairs of the State of Palestine.

B. Participation in work of the General Assembly and other organs of the United Nations, as well as in United Nations conferences

4. The State of Palestine continues to enjoy the right of participation in the sessions and work of the General Assembly and the international conferences convened under the auspices of the Assembly or other organs of the United Nations, as well as in United Nations conferences, pursuant to resolutions 43/160 and 52/250 and as set out in the note by the Secretary-General on participation of Palestine in the work of the United Nations of 4 August 1998 (A/52/1002). Those rights are not affected by resolution 67/19.

5. As a general matter, the State of Palestine does not enjoy the right to vote, including in elections. Nor may the State of Palestine submit its own candidacy for any election or appointment or, submit the names of candidates for any election or appointment, with one exception. Pursuant to the Statute of the International Residual Mechanism for Criminal Tribunals, non-member States maintaining permanent observer missions at United Nations Headquarters have the right to submit nominations for and to vote in the elections for the permanent and ad litem judges of the Residual Mechanism.

6. Pursuant to Article 35, paragraph 2, of the Charter of the United Nations, the State of Palestine may also place items on the provisional agenda of the Security Council and the General Assembly.

7. With respect to conferences convened under the auspices of the General Assembly and other United Nations conferences, as a non-member observer State of the United Nations and a member of UNESCO, the State of Palestine may participate fully and on an equal basis with other States in conferences that are open to members of specialized agencies or that are open to all States. Arrangements are being made to ensure the full participation of the State of Palestine in conferences convened on that basis.

III. Middle East peace process

8. Following the adoption of resolution 67/19, I reiterated my position that the Palestinians have a legitimate right to their own independent State and that Israel has the right to live in peace and security with its neighbours. I also stressed that there was no substitute for negotiations to that end, and the vote underscored the urgency of a resumption of meaningful talks. I thus appealed to all concerned to act responsibly.

9. Both parties have repeated their commitment to the two-State solution. In his speech to the General Assembly and in other statements he has made since, President Abbas proclaimed his willingness to engage with Israel after the formation of a new Government following its parliamentary elections of 22 January. Addressing the Security Council on 23 January 2013, the Minister for Foreign Affairs of the State of Palestine reiterated the Palestinian commitment to peace and the two-State solution and observed that the overwhelming support for resolution 67/19 clearly demonstrated the international community's commitment, including that of the Arab and Muslim world, to the two-State solution. While sharply criticizing settlement activity of Israel, the Minister for Foreign Affairs reaffirmed the need to establish clear parameters and a time frame for peace. At the same meeting, an overwhelming majority of Member States urged a credible return to peace negotiations, and many highlighted the historic nature of the 29 November vote of the General Assembly.

10. The Prime Minister of Israel reiterated his commitment to peace and a two-State solution in press conferences held on 5 December 2012 and 19 February 2013. However, on 29 November 2012 in the Assembly and on 23 January 2013 in the Security Council open debate on the situation in the Middle East, the Permanent Representative of Israel stated the position of Israel that in their view General Assembly resolution 67/19 could not serve as acceptable terms of reference for future peace negotiations and that it did not confer Palestinian statehood or constitute recognition of a Palestinian State. The Permanent Representative of Israel also objected to any attempt to alter the status of Palestinians, outside the agreed negotiating framework. At the same meetings, the United States of America and Canada echoed these positions.

11. In spite of reiterated calls for negotiated peace, actions on the ground have further undermined mutual trust. Following the adoption of the resolution, the Government of Israel announced plans for construction of thousands of housing units in the occupied West Bank, including East Jerusalem, and, most alarmingly, several thousand housing units in the "E-1" area east of Jerusalem. In statements on 2 December 2012 and 14 January 2013, I expressed my grave concern at this development, which risked cutting off East Jerusalem from the rest of the West

Bank and, if constructed, would represent an almost fatal blow to remaining chances of securing a two-State solution, and called for any settlement plan in the E-1 area to be rescinded. Overall, approximately 11,500 housing units of Israeli settlements have been advanced or approved since 29 November 2012, including approximately 3,500 in the E-1 area, 5,000 in East Jerusalem, and the rest in various other West Bank settlements. I have repeatedly stressed that all settlement activity in the occupied Palestinian territory, including East Jerusalem, is illegal under international law.

12. The Government of Israel also initially withheld approximately $115 million of Palestinian customs revenue collected in December and January. The funds for December were released to the Palestinian Authority in January in line with the obligation that Israel accepted as part of the 1994 Paris Protocol, which remains in force. The funds for January are expected to be transferred at the end of February.

13. The backdrop to these events has been a worsening security situation in the West Bank and a tenuous calm in Gaza following the truce announced on 21 November 2012 after an intensive diplomatic effort, including my own visit to the region.

14. In the West Bank, Israeli security forces, citing security concerns, conducted 969 operations and made 1,101 arrests from 29 November 2012 to 26 February 2013. A total of 7 Palestinians were killed and 1,065 were injured. Confrontations between Palestinians and Israeli settlers have occurred on an almost daily basis. Occupation measures have continued to impede Palestinian movement, while demolitions in Area C have intensified, leading to further displacements. In a worrying development, on 23 February 2013, a Palestinian man died in detention after his arrest by the Israeli Defense Forces days earlier in the West Bank. His death sparked a series of popular demonstrations and clashes with the Israeli Defense Forces. Earlier popular demonstrations in solidarity with prisoners on hunger strike had resulted in clashes with Israeli security forces. Hundreds of Palestinians were injured as a result, including by tear gas inhalation.

15. In Gaza, following the ceasefire understanding reached on 21 November 2012 under the auspices of Egypt, the calm largely held, but there was a significant disruption on 26 February 2013, when a rocket fired from Gaza landed on a street near the industrial area in the southern part of the city of Ashkelon. In total, two rockets have been fired and eight Israeli incursions have taken place since the ceasefire understanding was reached. Renewed shooting incidents have claimed the lives of two Palestinian civilians, mostly while they were attempting to approach the border fence. Efforts to consolidate the ceasefire have continued, in line with resolution 1860 (2009). The full implementation of the resolution includes the important step of overcoming the Palestinian political divide in ways that can advance the prospects for the realization of the two-State solution. In this regard, Egypt continued to facilitate progress in the implementation of previous reconciliation agreements among Palestinian factions. Elections are a central element of reconciliation, and the Central Elections Commission undertook a registration process in February 2013 in the West Bank and the Gaza Strip.

16. The Hamas leader Khaled Meshaal visited Gaza for the first time from 7 to 10 December 2012. In a speech celebrating the twenty-fifth anniversary of the founding of Hamas he denied Israel any legitimacy, stressing that the Palestinian State will come from resistance not negotiations, in a clear rejection of a negotiated

two-State solution. Those inflammatory statements prompted condemnation by several members of the international community and the United Nations.

17. Since the adoption of the resolution, and as illustrated by the statements made during the open debate on the situation in the Middle East held by the Security Council on 23 January 2013, regional and international partners have voiced their alarm at the increasing risk the prolonged impasse in the peace process and facts on the ground, in particular Israeli settlement activity, pose to the viability of the two-State solution. Everyone has recognized the urgent need for action. At its meeting in Doha on 9 December 2012, the League of Arab States expressed doubt about the international architecture for the peace process and announced future consultations with the relevant players in the international community. In conclusions adopted on 10 December 2012, the Foreign Affairs Council of the European Union underlined the urgency of renewed, structured and substantial peace efforts in 2013 and reaffirmed its position that clear parameters outlining the basis for negotiations are key to a successful outcome. On 23 January 2013, the Permanent Representative of the United States to the United Nations stated that the United States remained fully committed to direct negotiations and continued to work vigorously towards that end.

18. Quartet envoys met in Brussels on 12 December 2012, and again on 10 January 2013 in Amman. They discussed ways to help the parties to avoid escalation diplomatically and on the ground in the short term, while also finding a way back to negotiations. I have also continued to engage with the parties, as well as with key international and regional leaders, both in New York and on the margins of international conferences and events, in order to encourage concerted efforts to forge a way forward.

19. The application for full United Nations membership remains pending before the Security Council.

IV. Support to Palestinian institutions and the right to self-determination

20. In spite of the fundamental challenges that remain, the Government of the State of Palestine remains committed to the advancement of the State-building agenda on which it has made notable progress in the past two years. This has been widely recognized by the international community, in particular at the successive meetings of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians in 2011 and 2012. Following the adoption by the General Assembly of resolution 67/19 on 29 November 2012, President Abbas constituted a committee of Palestinian officials to examine a range of issues relating to statehood. Civil society has also contributed to the continued advancement, with women's groups convening an important conference in December, which culminated in the presentation of a list of vital demands, including the incorporation of a women's bill of rights in the constitution of the State of Palestine, ensuring that legislation adheres to international standards with respect to discrimination against women and implementing quotas for female participation in public institutions.

21. The United Nations has continued to provide support in the six areas that were highlighted in the report entitled "Palestinian State-building: a decisive period" presented by the Office of the United Nations Special Coordinator for the Middle

East Peace Process to the meeting of the Ad Hoc Liaison Committee on 13 April 2011 (governance, rule of law and human rights; livelihoods and productive sectors; education and culture; health; social protection; and infrastructure and water). In each of these sectors, governmental functions were deemed sufficient for a functioning Government of a State. The United Nations has continued to align its activities to the priorities of the Palestinian National Plan and is currently developing its new United Nations Development Assistance Framework for the period 2014-2016 in collaboration with Palestinian authorities.

22. The Palestinian fiscal situation represents a core challenge. The full, timely and predictable transfer of Palestinian tax and customs revenues by Israel in accordance with the provisions of the Paris Protocol on Economic Relations is essential in order for the Government of the State of Palestine to be able to meet its financial obligations. Key among these is the payment of salaries to civil servants, who have launched strikes in protest against non-payment. Prime Minister Fayyad continues to call on Arab donors for contributions, emphasizing that there is unprecedented financial distress and potential for negative consequences. Ultimately, private-sector-led economic growth will enable the growth of a vibrant economy, which will benefit Palestinians and provide the tax base necessary to end the cycles of fiscal crisis.

23. International contributions amounted to $600 million in support of the recurrent budget last year, but further timely disbursement of assistance is essential. At its meeting in Doha on 9 December 2012, the League of Arab States voted to contribute $100 million per month in aid to the Palestinian Authority as a "financial safety net" to compensate for lost revenue incurred after Israel announced it would withhold clearance revenues. In January 2013, Saudi Arabia announced that it would disburse a further $20 million per month and Prime Minister Fayyad and the Secretary-General of the League of Arab States approached a select number of countries during the Arab Economic and Social Development Summit, held in Riyadh on 21 January, to bridge the funding gap. At its first meeting, held in Tokyo on 13 and 14 February 2013, the Conference on Cooperation among East Asian Countries for Palestinian Development discussed support for the State-building efforts of Palestine.

V. Observations

24. The adoption by the General Assembly of resolution 67/19 on 29 November 2012 by a majority of 138 votes in favour, following a period of prolonged stalemate in the political process, symbolized the growing international impatience with the long-standing occupation and clearly endorsed Palestinian aspirations to live in freedom and dignity in an independent State of their own, side by side with Israel in peace and security. The end to the occupation and to the conflict and the achievement of the two-State solution on the ground is long overdue. This can only be achieved, however, through negotiations to solve all final status issues.

25. The year 2013 will be decisive in the peace process. As I outlined in my address to the General Assembly on 22 January 2013, I identified five priorities in this regard: first, we must renew collective international engagement; second, we must resume meaningful negotiations; third, we must preserve stability in Gaza; fourth, we must make progress on Palestinian reconciliation under the leadership of

President Abbas within the framework of the commitments of the Palestinian Liberation Organization and the positions of the Quartet; and fifth, we must prevent the financial collapse of the Palestinian Authority. Concerted action is essential if we are to salvage the realization on the ground of the two-State solution.

26. The situation on the ground remains a cause for serious concern. Continued settlement activity in the occupied Palestinian territory, including East Jerusalem, is illegal under international law and runs contrary to Israel's obligations under the road map. It also undermines the viability of the two-State solution and the prospects for peace. Israel should heed the repeated calls of the international community and stop such activity.

27. Both sides have a common interest and responsibility in preventing an escalation of tensions. Recent spates of violence over the death of a Palestinian detainee and prisoners on prolonged hunger strikes are potentially eroding the calm necessary for the resumption of peace talks. I have expressed my deep concern and urged that a solution be reached without delay in order to end the prisoners' plight and preserve calm. International human rights obligations towards all Palestinian detainees and prisoners under Israeli custody must be fully respected.

28. Solidifying the ceasefire agreement in Gaza that was brokered by Egypt remains a pressing priority. The 26 February rocket attack from Gaza into Israel was unacceptable. I will continue to condemn any indiscriminate rocket fire from Gaza.

29. The parties need our collective support to create an environment conducive to a resumption of talks, as on both sides of the Israeli-Palestinian conflict there is too much pain and anguish, disillusionment and dismay, for the parties to be able to overcome their genuine fears and dispel tensions on their own. It is incumbent upon the international community to foster synergy among the various ideas and initiatives being discussed to permit decisive progress towards a return to negotiations. The Arab Peace Initiative remains an important basis for ending the Arab-Israeli conflict and achieving regional peace. It should be encouraged and nurtured.

30. However, no international effort alone is sufficient for progress absent the requisite will from the parties themselves. Israeli and Palestinian leaders have stated that they are convinced the two-State solution is the only path towards a durable peace. They should realize that without serious engagement, the consequences for inaction could be dire for everyone. The parties must not only remain open to new initiatives to overcome the current impasse, but must now demonstrate their seriousness and refrain from actions and negative steps that undermine the situation on the ground and complicate a return to meaningful negotiations in the critical period ahead.

31. As Secretary-General, I will continue to do my utmost to achieve a negotiated two-State solution, in accordance with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1860 (2009), that will resolve the core issues — territory, security, Jerusalem, refugees, settlements, water — and constitute the end of the Israeli-Palestinian conflict and all claims related to it. I call on the parties and all stakeholders to act with determination, responsibility and vision. None of the steps to that end are easy, but we cannot afford another year without courageous action for the purpose of achieving the two-State solution reaffirmed by resolution 67/19.